

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHARLOTTE FREEMAN, *et al*,

Plaintiffs,

ORDER

14-CV-6601 (DLI) (CLP)

-against-

HSBC HOLDINGS PLC, *et al.*,

Defendants.

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POLLAK, United States Magistrate Judge:

Plaintiffs in the above-captioned case are the family members of individuals who were killed or injured in attacks occurring in Iraq. Plaintiffs commenced this action on November 10, 2014, alleging that the defendant banks are liable to them under 18 U.S.C. § 2333(a) for harms resulting from these attacks. On January 16, 2015, the undersigned held a conference with the parties to discuss the timeline for plaintiffs to amend their complaint and for defendants to file a motion to dismiss. At the conference, the Court understood that plaintiffs wished to amend their complaint to add additional parties and factual information before defendants filed their motion to dismiss. The Court Ordered the parties to submit a proposed schedule by January 20, 2015.

On January 20, 2015, defendants submitted a letter explaining that they had conferred with the plaintiffs, and learned that plaintiffs wished to file their amended complaint after defendants filed their motion to dismiss.¹ Defendants argued that, based on their understanding

¹This letter was filed by counsel for Credit Suisse AG on behalf of their clients, as well as co-defendants HSBC Holdings PLC, HSBC Bank PLC, HSBC Bank Middle East Limited, HSBC Bank USA, N.A., Barclays Bank PLC, Standard Chartered Bank, and the Royal Bank of Scotland N.V. In a separate letter, dated January 20, 2015, defendant Bank Saderat PLC joined the other defendants' letter.


of the discussion at the conference, plaintiffs were to amend their complaint by February 13, 2015 or waive their right to amend. In response to defendants' letter, plaintiffs submitted a letter the same day, relying on Federal Rule of Civil Procedure 15(a)(1) to argue that they could amend their complaint as of right within 21 days of defendants filing their motion to dismiss and that they were unwilling to forego that right.

In light of the foregoing, the Court sets the following briefing schedule: Defendants are to file their motion to dismiss on or before **March 16, 2015**. Plaintiffs shall have **21 days** from the date that defendants file their motion to amend their complaint and/or file their opposition to defendants' motion to dismiss. If plaintiffs oppose defendants' motion to dismiss, defendants shall have **three weeks** from the date that plaintiffs file their opposition to file their reply.

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
January 23, 2015


CHERYL POLLAK
Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York